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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,028	12/20/2000	Prasad V. Prabhu	80998DMW	8136

7590 07/15/2004
Thomas H. Close
Patent Legal Staff
Eastman Kodak Company
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Rochester, NY 14650-2201

EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,028

Applicant(s)

PRABHU ET AL.

Examiner

Steven P Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined. The RCE and amendment filed 6/14/04 has been entered.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-6, 8, 10-14, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al (6567980) and Takemoto (6335742) and Wolf (5517605).
4. Regarding claim 1, Jain et al show a GUI adapted to browse pictures stored in a picture database (column 2 lines 10-20, column 4 lines 20-35), including: a main level display providing links to other display levels (Figure 2), which has a main display area adapted to display pictures, thumbnails, and graphical browsers (Figure 2 element 172, element 202, column 4 lines 20-40), a picture content iconic region having icons representing pictures according to predefined content categories and picture metadata (Figures 14, 17, column 4 lines 27-65), a graphical browser region having indicia of graphical browsers utilized by the GUI (Figure 17) and further having a plurality of

display levels linked to the main display level via one or more icons (Figure 17, column 13 lines 1-33). Jain et al show a picture grouping iconic region indicating files containing pictures in a database (Figure 17) for picture grouping, but do not show this as being hierarchical with all the directories and folders. However Takemoto does have the hierarchical directory region (Figure 9 for example) for picture grouping. It would have been obvious to a person with ordinary skill in the art to have this in Jain et al, because it would allow a convenient way to group pictures. Neither Jain nor Takemoto specifically show the icon representing a display level with grouped pictures, but Takemoto mentions the hierarchical grouping of pictures and Jain mentions the accessing of the picture files. Furthermore, Wolf shows icons representing the display level with grouped pictures (figures 2, 13, column 7 lines 5-40, 45-55, column 9 lines 45-65). It would have been obvious to a person with ordinary skill in the art to have this in the system of Jain especially as modified by Takemoto, because it would provide a convenient way to group and access pictures in a database.

5. Regarding claim 3, the content categories include picture capture data (Jain et al column 11 lines 50-65).

6. Regarding claim 4, the content categories include picture caption location (Jain et al column 13 lines 43-50).

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7. Regarding claim 5, the content categories include predefined events (Jain et al column 7 lines 1-15).
8. Regarding claim 6, the content categories include persons (Figure 2).
9. Regarding claim 8, the browser may be a timeline (Jain et al column 6 lines 25-50).
10. Regarding claim 10, the browsers include people based graphical representations based on picture metadata (Figures 2, 17).
11. Regarding claim 2, Wolf shows displaying the search word indicia and word search area with methodologies to group and access pictures by metadata (column 5 lines 8-42). It would have been obvious to a person with ordinary skill in the art to have this in Jain et al, because it would allow convenient grouping and accessing pictures by metadata.
12. Claims 11-18 show the same features as claims 1-8 above with the added feature of claim 2 in each of them, and are rejected for the same reasons as claim 2 with claims 1-8 respectively.

13. Regarding claim 19, Wolf shows that these methodologies in fact include Boolean searches (column 12 lines 13-45).

14. Claims 7, 9, and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The map and scatter plot features are simply not mentioned in the specification and constitute new matter.

15. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 703-305-9582. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEVEN SAX
PRIMARY EXAMINER